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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/488,672	01/20/00	MENDICINO	F WITCO-103

HM12/0717

NASH & TITUS LLC
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BROOKEVILLE MD 20833

EXAMINER

SHAVER, P

ART UNIT	PAPER NUMBER
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1621

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DATE MAILED: 07/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/488,672

Applicant(s)

Mendicino et al.

Examiner

Paul F. Shaver

Art Unit

1621



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 2-23 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 2-23 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

20) ☐ Other: _____

Application Control Number: 09/488,672

Art Unit 1621

DETAILED ACTION

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application; further, specific changes to the claims are not identified and the differences of the new claims from the original claims is not pointed out. See 37 CFR 1.175(a)(1) and MPEP § 1414.

2. The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following: the Post Office addresses of the inventor's have not been provided.

3. Claims 2 to 23 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

4. It is noted that claims 2 to 23 are considered allowable in view of the cited art because none of the cited references alone or in combination teach or suggest the Direct Process for trialkoxy-hydro-silanes by slurring Si metal with a Cu catalyst precursor in the presence of a surface -active additive, activating the catalyst precursor, and reacting the Si with one or more alcohols in the presence of the catalyst, where the surface-active additive comprises a hydrophobized solid particle with one or both of an organopolysiloxane and/or an organofluoropolysiloxane.

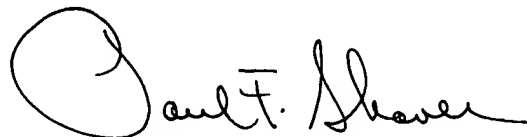
5. In order to expedite the prosecution of this case, applicants should surrender the original Patent with their response to this office action.

6. A SHORTENED STATUTORY PERIOD IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION.

Any inquiry concerning this communication or earlier communications from

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul F. Shaver whose telephone number is (703) 308-4629. The Examiner's normal tour of duty is Monday to Friday, 5:30 AM to 2:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235. The Examiner's supervisor, Johann Richter, may be reached at (703) 308-4532

A facsimile center has been established in Group 1200, Room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 308-4556.

A handwritten signature in black ink, appearing to read "Paul F. Shaver". The signature is written in a cursive style with a large, looped initial "P".

Paul F. Shaver
Primary Examiner
Group 1600-Art Unit 1621

PFShaver
July 6, 2001